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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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9 ROBERT MEDINA, JR.,

10 Plaintiff,

11 v.

12 GUSTAVO MARTINEZ, *et al.*,

13 Defendants.

14 Case No. 1:23-cv-00935-KES-EPG (PC)

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19 **ORDER REQUIRING PARTIES TO**
EXCHANGE DOCUMENTS

20 Plaintiff Robert Medina, Jr. was confined in Fresno County Jail (FCJ) at the time the
21 events giving rise to this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff
22 proceeds *pro se* and *in forma pauperis* on his Eighth Amendment claim against Defendants
23 J. Alvarez, Gustavo Martinez, and First-Name-Unknown (FNU) Martinez. Only Defendant
24 Alvarez was served and answered Plaintiff's complaint. (ECF No. 37).

25 On November 13, 2024, the Court issued an order requiring the parties to file
26 scheduling and discovery statements within 30 days. (ECF No. 41). Defendant Alvarez filed his
27 statement. (ECF No. 44). Plaintiff did not file his, and the time to do so has passed.

28 The Court has reviewed this case and Defendant Alvarez's statement. To secure the
just, speedy, and inexpensive disposition of this action,¹ the Court will direct that certain
documents that are central to the dispute be promptly produced.²

¹ See, e.g., *United States v. W.R. Grace*, 526 F.3d 499, 508–09 (9th Cir. 2008) (“We begin with the principle that the district court is charged with effectuating the speedy and orderly administration of justice. There is universal acceptance in the federal courts that, in carrying out this mandate, a district

1 Accordingly, IT IS ORDERED that:

- 2 1. Each party has sixty days from the date of service of this order to serve opposing
3 parties, or their counsel, if represented, with copies of the following documents
4 and/or evidence if they have them in their possession, custody, or control, to the
5 extent the parties have not already done so.³ This order applies to all documents
6 including confidential documents. Moreover, the parties are required to produce
7 these documents, or lodge objections as described below, without awaiting a
8 discovery request.
- 9 a. Documents regarding exhaustion of Plaintiff's claims, including 602s,
10 Form 22s, and responses from the appeals office.
- 11 b. All documents regarding the Rules Violation Report associated with the
12 incident(s) alleged in the complaint, including disciplinary charges and
13 findings.
- 14 c. Witness statements and evidence that were generated from
15 investigation(s) related to the event(s) at issue in the complaint, such as
16 an investigation stemming from the processing of Plaintiff's
17 grievance(s).⁴

18 court has the authority to enter pretrial case management and discovery orders designed to ensure that
19 the relevant issues to be tried are identified, that the parties have an opportunity to engage in appropriate
20 discovery and that the parties are adequately and timely prepared so that the trial can proceed efficiently
21 and intelligibly.”).

22 ² Advisory Committee Notes to 1993 Amendment to Federal Rules of Civil Procedure regarding
23 Rule 26(a) (“The enumeration in Rule 26(a) of items to be disclosed does not prevent a court from
24 requiring by order or local rule that the parties disclose additional information without a discovery
25 request.”).

26 ³ Defense counsel is requested to obtain these documents from Plaintiff's institution(s) of
27 confinement. If defense counsel is unable to do so, defense counsel should inform Plaintiff that a third
28 party subpoena is required.

29 ⁴ See *Woodford v. Ngo*, 548 U.S. 81, 94–95 (2006) (“[P]roper exhaustion improves the quality
30 of those prisoner suits that are eventually filed because proper exhaustion often results in the creation of
31 an administrative record that is helpful to the court. When a grievance is filed shortly after the event
32 giving rise to the grievance, witnesses can be identified and questioned while memories are still fresh,
33 and evidence can be gathered and preserved.”).

34 The Court notes that Defendant(s) only need to produce documents such as a Confidential
35 Appeal Inquiry or a Use of Force Critique to the extent those documents contain witness statements

- 1 d. Incident reports regarding the use of force incident(s) alleged in the
2 complaint.
- 3 e. All of Plaintiff's medical records related to the incident(s) and/or
4 condition(s) at issue in the case.
- 5 f. Chronos for transfer or Administrative Segregation placement related to
6 the incident(s) alleged in the complaint.
- 7 g. Video recordings and photographs related to the incident(s) at issue in
8 the complaint, including video recordings and photographs of Plaintiff
9 taken following the incident(s).⁵
- 10 h. A copy of all documents, electronically stored information, and tangible
11 things that the disclosing party has in its possession, custody, or control
12 and may use to support its claims or defenses, unless the use would be
13 solely for impeachment.
- 14 2. If any party obtains documents and/or other evidence described above later in
15 the case (including, but not limited to, documents and/or other evidence from a
16 third party), that party shall provide all other parties with copies of the
17 documents and/or evidence within thirty days. The failure of a party to comply
18 with this requirement may result, among other things, in the party not being able
19 to rely on the pertinent information later in the case.
- 20 3. Parties do not need to produce documents or evidence that they have already
21 produced.
- 22 4. Parties do not need to produce documents or evidence that were provided to
23 them by the opposing party.

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26 related to the incident(s) alleged in the complaint and/or evidence related to the incident(s) alleged in the
27 complaint that will not be provided to Plaintiff separately.

28 ⁵ If Plaintiff is not allowed possess, or is unable to play, video recording(s), defense counsel
 shall work with staff at Plaintiff's institution of confinement to ensure that Plaintiff is able to view the
 video recording(s).

1 5. Parties may object to producing any of the above-listed documents and/or
2 evidence. Objections shall be filed with the Court and served on all other parties
3 within sixty days from the date of service of this order (or within thirty days of
4 receiving additional documents and/or evidence). The objection should include
5 the basis for not providing the documents and/or evidence. If Defendant(s)
6 object based on the official information privilege, Defendant(s) shall follow the
7 procedures described in the Court's scheduling order. If a party files an
8 objection, all other parties have fourteen days from the date the objection is filed
9 to file a response. If any party files a response to an objection, the Court will
10 issue a ruling on the objection.

11 IT IS SO ORDERED.
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13 Dated: December 24, 2024

/s/ Eric P. Groj

14 UNITED STATES MAGISTRATE JUDGE